

REFERENCE TITLE: speed limits; primitive roads

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HB 2235

Introduced by
Representative Konopnicki

AN ACT

AMENDING SECTIONS 28-701 AND 28-6706, ARIZONA REVISED STATUTES; RELATING TO VEHICLE SPEED RESTRICTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 28-701, Arizona Revised Statutes, is amended to
3 read:

4 28-701. Reasonable and prudent speed: prima facie evidence:
5 exceptions

6 A. A person shall not drive a vehicle on a highway at a speed greater
7 than is reasonable and prudent under the circumstances, conditions
8 and actual and potential hazards then existing. A person shall control the
9 speed of a vehicle as necessary to avoid colliding with any object, person,
10 vehicle or other conveyance on, entering or adjacent to the highway in
11 compliance with legal requirements and the duty of all persons to exercise
12 reasonable care for the protection of others.

13 B. Except as provided in subsections C and D of this section or except
14 if a special hazard requires a lesser speed, any speed in excess of the
15 following speeds is prima facie evidence that the speed is too great and
16 therefore unreasonable:

- 17 1. Fifteen miles per hour approaching a school crossing.
- 18 2. Twenty-five miles per hour in a business or residential district.
- 19 3. **FORTY-FIVE MILES PER HOUR ON UNPAVED ROADS IN UNINCORPORATED AREAS.**
- 20 ~~3.~~ 4. Sixty-five miles per hour in other locations.

21 C. The speed limits prescribed in this section may be altered as
22 authorized in sections 28-702 and 28-703.

23 D. The maximum speed provided in this section is reduced to the speed
24 that is reasonable and prudent under the conditions and with regard to the
25 actual and potential hazards then existing, including the following
26 conditions:

- 27 1. Approaching and crossing an intersection or railroad crossing.
- 28 2. Approaching and going around a curve.
- 29 3. Approaching a hillcrest.
- 30 4. Traveling on a narrow or winding roadway.
- 31 5. A special hazard exists with respect to pedestrians or other
32 traffic or by reason of weather or highway conditions.

33 E. A person shall not drive a motor vehicle at a speed that is less
34 than the speed that is reasonable and prudent under existing conditions.

35 Sec. 2. Section 28-6706, Arizona Revised Statutes, is amended to read:
36 28-6706. Primitive roads

37 A. The board of supervisors or the governing body of a city or town
38 may designate a public road within its jurisdiction as a primitive road as
39 prescribed in this section.

40 B. Neither a county, city or town nor its employees are liable for
41 damages or injuries resulting from the use of a primitive road designated
42 under this section except for intentional injuries or gross negligence caused
43 by an employee acting within the scope of the employee's employment.

1 C. The board of supervisors or the governing body of a city or town
2 shall not designate a road as a primitive road unless it was opened before
3 June 13, 1975 and was not constructed in accordance with county standards.

4 D. The county, city or town shall place signs on every road designated
5 as a primitive road in locations adequate to warn the public. These signs
6 shall state "Primitive road, caution, use at your own risk. This surface is
7 not regularly maintained."

8 E. A board of supervisors or the governing body of a city or town
9 shall not designate a state or county highway as a primitive road.

10 F. THE BOARD OF SUPERVISORS OR THE GOVERNING BODY OF A CITY OR TOWN
11 MAY ESTABLISH SPEED LIMITS FOR PRIMITIVE OR UNPAVED ROADS WITHIN ITS
12 JURISDICTION PURSUANT TO SECTIONS 28-627 AND 28-703.